

**REMARKS**

Claims 1-7 and 9-14 are pending in this application, claims 1-4, 13 and 14 being withdrawn. By this Amendment, claims 5, 9 and 11 are amended. Support for the amendments to claims 5, 9 and 11 can be found in the specification, for example, at paragraphs [0011] and [0047]. No new matter is added.

Claims 5-7 and 9-12 are rejected under 35 U.S.C. §103(a) over Hirano et al. (U.S. Patent No. 6,106,965) in view of Jones (U.S. Patent No. 6,007,933) and in further view of Gerhardt (U.S. Patent No. 3,158,510) and Schrage et al. (U.S. Patent No. 3,737,395). The rejection is respectfully traversed.

Hirano, Jones, Gerhardt and Schrage, alone or in a permissible combination, do not teach or render obvious every claimed feature of independent claims 5, 9 and 11. Hirano, Jones, Gerhardt and Schrage do not teach or render obvious "the first gas flow path, the first current collecting layer, the first reaction layer, the electrolyte film, the second gas flow path, the second current collecting layer and the second reaction layer being formed in a continuous manufacturing line and being controlled by a controller, the controller controlling a position of the fuel cell along the manufacturing line," as recited in independent claim 5; and "the forming the at least one current collecting layer, the at least one gas diffusion layer, the at least one reaction layer and the electrolyte film being performed on a continuous manufacturing line and being controlled by a controller, the controller controlling a position of the fuel cell along the manufacturing line," as recited in independent claims 9 and 11 (emphasis added).

Hirano, Jones, Gerhardt and Schrage each relate to separate "experiments" that, in conjunction, produce a fuel cell (see, for example, col. 6, line 30 - col. 9, line 28 of Hirano; col. 5, line 6 - col. 6, line 55 of Jones; col. 3, lines 7-51 of Gerhardt; and col. 1, line 69 - col. 2, line 66 of Schrage). Accordingly, as discussed in paragraph [0006] of Applicant's

specification, the prior art manufacturing processes cannot be performed with one manufacturing apparatus, thus increasing the complexity and cost of manufacturing. Therefore, none of Schrage, Hirano, Jones or Gerhardt teaches the above manufacturing process being performed in a single, continuous manufacturing line and controlled by a controller, as recited in proposed amended independent claims 5, 9 and 11.

Therefore, for at least these reasons, independent claims 5, 9 and 11 are each patentable over any alleged combination of Hirano, Jones, Gerhardt and Schrage. Claims 6, 7, 10 and 12, which variously depend from independent claims 5, 9 and 11, are also patentable for at least their dependency on independent claims 5, 9 and 11, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejection.

The Office Action provisionally rejects claims 5, 9 and 11 for non-statutory obviousness type double patenting over claims 1 and 2 of copending Miura (U.S. Patent Application No. 10/791,719). Applicants will respond to the double patenting rejection when the claims are otherwise in condition for allowance.

Further, claims 1-4 include the features of generic claim 5, and claims 13 and 14 depend from independent claim 5. Applicants thus respectfully requests rejoinder and allowance of claims 1-4, 13 and 14 upon the allowance of claim 1 (see MPEP §821.04).

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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